

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

In re	:	Case No. 14-01048 NPO
	:	
NATCHEZ REGIONAL MEDICAL CENTER	:	Chapter 9
	:	
Debtor.	:	

Ken Lefoldt,	:	Adversary Proceeding
Liquidation Trustee	:	
Plaintiff,	:	No. 18-00124-NPO
Versus	:	
	:	
UNITED STATES DEPARTMENT OF	:	
HEALTH AND HUMAN SERVICES;	:	
	:	
SYLVIA BURWELL, in her official capacity as	:	
Secretary of the United States Department of	:	
Health and Human Services;	:	
	:	
CENTERS FOR MEDICARE AND	:	
MEDICAID SERVICES; and	:	
	:	
ANDY SLAVITT, in his official capacity as	:	
Acting Administrator of the Centers for	:	
Medicare and Medicaid Service;	:	
Defendants.	:	

CONSENT MOTION TO DISMISS ADVERSARY PROCEEDING
DUE TO SETTLEMENT AGREEMENT

NOW COMES H. Kenneth Lefoldt, Jr., the Liquidation Trustee (the “*Trustee*”) for the Natchez Regional Medical Center, (“*NRMC*”), with the consent of the *Defendants*, United States Department of Health and Human Services, Alex M. Azar, II, in his official capacity as the Secretary of the United States Department of Health and Human Services, the Centers for Medicare & Medicaid Services, and Seema Verma, in her official capacity as the Administrator of the Centers for Medicare & Medicaid Services, who submits this motion (the “*Motion*”)

seeking to dismiss the captioned adversary proceeding. In support of the Motion, the Trustee avers as follows:

RELIEF REQUESTED

1. The Trustee, with the consent of the Defendants, is seeking an order dismissing this adversary proceeding with prejudice as the Trustee for NRMCC and the Defendants have reached a consensual Settlement Agreement.

2. The Settlement Agreement was negotiated in good faith and takes into consideration the unique facts and circumstances of this adversary proceeding. The parties have reached an amicable resolution rendering the need for further litigation as moot.

3. Pursuant to the terms of the Settlement Agreement, each of the parties shall bear its own costs and fees incurred in connection with this adversary proceeding.

WHEREFORE, H. Kenneth Lefoldt, Jr., the Liquidation Trustee prays for an order granting the relief requested and dismissing this adversary proceeding, and for all other relief that is just and equitable.

By: DAVID A. WHEELER, (MSB 7126)
WHEELER & WHEELER, PLLC
185 Main Street
Biloxi, Mississippi 39530
Telephone: (228) 374-6720 // Fax: (228) 374-6721

and

/s/Greta M. Brouphy
DOUGLAS S. DRAPER (La. Bar No. 5073)
GRETA M. BROUPHY (La. Bar No. 26216)
**HELLER, DRAPER, PATRICK, HORN &
MANTHEY, L.L.C.**
650 Poydras Street, Suite 2500
New Orleans, Louisiana 70130
Telephone: 504-299-3300 // Fax: 504-299-3399
E-mail: gbrouphy@hellerdraper.com
Counsel to the Liquidating Trustee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served through this Court's ECF Notification System on October 9, 2019, upon the following:

- Tabitha Bandi Tabitha.band@usdoj.gov,
mary.margaret.buchanan@usdoj.gov, caseview.ecf@usdoj.gov
- Greta Manning Brouphy gbrouphy@hellerdraper.com, kfritscher@hellerdraper.com
- Douglas Scott Draper ddraper@hellerdraper.com,
kfritscher@hellerdraper.com; lwright@hellerdraper.com
- United States Trustee USTPRegion05.JA.ECF@usdoj.gov

/s/Greta M. Brouphy

Greta M. Brouphy